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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,376	08/21/2003	James A. Euchner	F-660	7462
7590	10/25/2005		EXAMINER	
Pitney Bowes Inc. Intellectual Property and Technology Law Department 35 Waterview Drive, P.O. Box 3000 Shelton, CT 06484			TUREMAN, JARED	
			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 10/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/645,376	EUCHNER ET AL.	

Examiner	Art Unit	
Jared J. Fureman	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 18 August 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

Receipt is acknowledged of the amendment, on 8/18/2005, which has been entered in the file. Claims 1-28 are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15-20 and 22-27 are rejected under 35 U.S.C. 102(a and e) as being anticipated by Sansone (US 6,574,000).

Sansone teaches an apparatus and method comprising: a print element (not shown, but necessarily present, for printing postal indicia 21 on envelope 12, see figure 2 and column 3 lines 63-65) for applying ink (the ink used to print postal indicia 21) to a substrate (envelope 12) to form an indicia (indicia 21); and processing means (not shown, but necessarily present) coupled to the print element for causing the print element to print at least one symbol (22) as part of the indicia, the at least one symbol including ink physical characteristic data (the type of ink used to print indicia 21, see column 4 lines 22-25, which is necessarily indicative of at least some physical characteristics of the ink) that is indicative of a physical characteristic of the ink; wherein

the ink characteristic data is indicative of a color of the ink; wherein the indicia includes a plurality of panels (as shown in figure 2, indicia 21 includes a plurality of panels), and the ink characteristic data is indicative of respective colors of the plurality of panels; wherein at least two of the panels are of different colors; wherein the ink characteristic data is indicative of at least one spectral characteristic of the ink; wherein the ink characteristic data is indicative of at least one luminescence characteristic of the ink; (by identifying the type of ink used to print indicia 21, Sansone suggests the ink characteristic data is indicative of color, spectral, and luminescence characteristics of the ink) (also see figure 2 and column 3 line 50 - column 4 line 32).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Sansone at the time this invention was made, or was subject to a joint research agreement at the time this invention was made. However, reference Sansone additionally qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

6. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon (US 6,701,304) in view of Sansone.

Leon teaches an apparatus (authentication system 500, figure 5) and method comprising: reading means (ZIP reader 510 and symbology reader 520) for reading an indicia (410, 412, 414, 418, 416, figure 4) on a label (indictum 400, figure 4); detecting means (marking detector 530, figure 5) for detecting at least one ink physical characteristic (the use of invisible and/or fluorescent ink, taggants in the ink, etc., see column 13 lines 28-33) of the indicia to generate second ink characteristic data; and processing means (computer 540, figure 5), coupled to the reading means and to the detecting means, for comparing the second ink physical characteristic data with the first data (see column 13, lines 34-42); wherein data is included in the first indicia in encrypted form (a digital signature imprinted on the postage label), and the reading

means includes means for decrypting the encrypted first ink characteristic data (see column 13, lines 36-39); wherein the at least one ink characteristic detected by the detecting means includes at least one of: (a) a color of at least a portion of the indicia, (b) a spectral characteristic of the indicia, (c) a visible light absorption characteristic of the indicia, (d) a visible light reflectance characteristic of the indicia, (e) an infra-red absorption characteristic of the indicia, (f) an infra-red luminescence characteristic of the indicia, and (g) a visible luminescence characteristic of the indicia (since the marking detector 530 can detect the use of invisible ink, fluorescent ink, and taggants in the ink, the characteristics detected by the marking detector 530 will include spectral characteristics, infra-red absorption characteristics, luminescence characteristics, etc.); wherein the detecting means detects respective colors of a plurality of different portions of the indicia (the use of visible, invisible, fluorescent inks suggests respective colors of a plurality of different portions); a print element (printer 154, figure 2A) for applying ink to a substrate to form an indicia; and processing means (processor 210, figure 2A) coupled to the print element for causing the print element to print at least one symbol (see figure 4) as part of the indicia; wherein the indicia includes a plurality of panels (see figure 4); wherein at least two of the panels are of different colors (the use of visible ink, invisible ink, fluorescent ink and taggants in the ink suggests different colors); wherein the processing means causes the print element to print the ink characteristic data in encrypted form (see column 5 lines 15-16) (also see figures 2A, 3-5, column 4 line 38 - column 5 line 25, column 12 line 30 - column 53).

Leon fails to specifically teach reading first ink physical characteristic data from an indicia; the at least one symbol including ink physical characteristic data that is indicative of a physical characteristic of the ink.

Sansone teaches an apparatus and method comprising: reading means (indicia reader 37, figure 3) for reading first ink physical characteristic data from an indicia (code 22 includes ink characteristic data, such as the type of ink that was used to print indicia 21, see column 4 lines 22-25, which is necessarily indicative of at least some physical characteristics of the ink); the at least one symbol including ink physical characteristic (the type of ink used to print the indicia 21) data that is indicative of a physical characteristic of the ink (also see figures 2, 3, column 3 line 50 - column 4 line 32, column 5 line 32 - column 6 line 5).

In view of Sansone's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the apparatus and method as taught by Leon, reading first ink physical characteristic data from an indicia; the at least one symbol including ink physical characteristic data that is indicative of a physical characteristic of the ink; in order to allow the reader to easily identify the expected characteristics of the ink(s) for comparison to the detected characteristics, thereby allowing the greater authentication capabilities.

#### ***Response to Arguments***

7. Applicant's arguments filed 8/18/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Sansone uses about the type of ink, i.e., manufacturers cartridge number to decide if that ink along with the printer, paper combination selected by the user is approved by the USPS for the printing of an information-based indicia; Sansone does not disclose printing at least one symbol as part of the indicia, the at least one symbol including ink physical characteristic data (see pages 8-9 of the amendment filed on 8/18/2005); the examiner respectfully disagrees. Sansone teaches "The position held by letters K, L and M may be used to represent the type of ink that was used to print indicia 21 ..." (see column 4, lines 22-23). The examiner could not find any instance in which Sansone describes using a manufacturers cartridge number to identify the type of ink. Would applicants please point out where this is taught? Sansone's teaching of identifying the type of ink that was used to print the indicia would necessitate the use of an identifier that is indicative of at least some of the physical characteristics of the ink. For example, even if the type of ink was identified by a name of ink or product number, the name or product number would have to be indicative/associated with at least some physical characteristics of the ink. If the "type of ink", as taught by Sansone, were not indicative/associated with any physical characteristics of the ink, the "type of ink" would be meaningless. Thus, given the context of Sansone, it is clear to one of ordinary skill in the art at the time of the invention that the "type of ink" would be indicative of at least some physical characteristics of the ink.

In response to applicant's argument that Leon or Sansone taken separately or together does not disclose detecting means for detecting at least one ink physical

characteristic of the indicia to generate second ink characteristic data and comparing the second ink physical characteristic data with the first ink physical characteristic data (see pages 10-11 of the amendment filed on 8/18/2005); the examiner respectfully disagrees. Leon teaches the use of a marking detector 530 to detect the identifiers and markings printed on the label, the use of invisible and/or fluorescent ink, micro printing, taggants in the ink, etc. (see column 13, lines 25-33). Thus, the marking detector 530 detects a physical characteristic of the ink in that the marking detector 530 would detect that the ink reflects a certain wavelength of light (light in the invisible spectrum, when invisible ink is used) or the fluorescence of the ink when illuminated with the appropriate wavelength of light. Therefore, detecting the use of invisible ink and/or fluorescent ink necessitates the detection of physical characteristics of the ink. Thus, the combination of Leon and Sansone would detect a physical characteristic of the ink by reading the type of ink (as taught by Sansone) and then verify that the specified type of ink is present by detecting the physical characteristics of the type of ink that was specified (for example, marking detector 530, as taught by Leon, verifying that the ink characteristics are present). Therefore, it is believed that the combination of Leon and Sansone teach/suggest the claimed invention to one of ordinary skill in the art at the time of the invention.

***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jared J. Fureman*  
Jared J. Fureman  
Primary Examiner  
Art Unit 2876

October 18, 2005